

**ZB# 97-14**

**Bila Partners /  
Hong's Karate**

**65-2-12**

Prelim.

Mar. 24, 1997

(~~Letter out~~  
~~Money withheld~~)

Photos & here.  
Notice to Sentencing

Public Hearing

April 28, 1997

Sign Variance Granted

Refund: \$ 398.50

#97-14-Bila Partners/Hong's Karate  
Sign - 65-2-12

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12553

## General Receipt

16254

April 15 1997

Received from Hemp's T.S.D. Inc. \$150.<sup>00</sup>

One Hundred fifty 00/100 DOLLARS

For ZBA # 97-14

DISTRIBUTION:

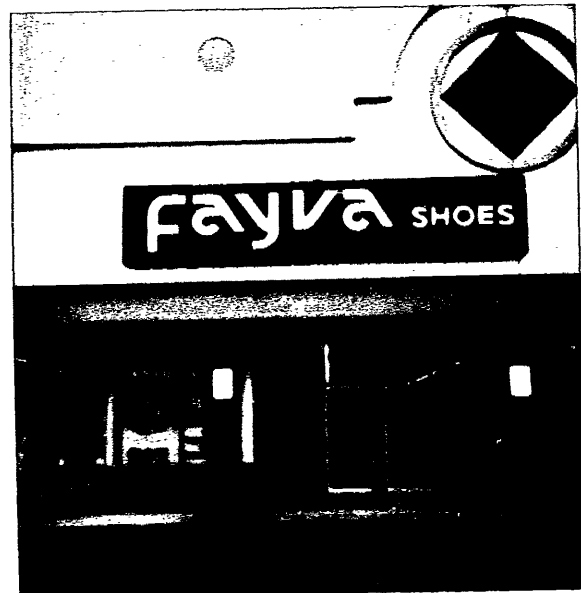
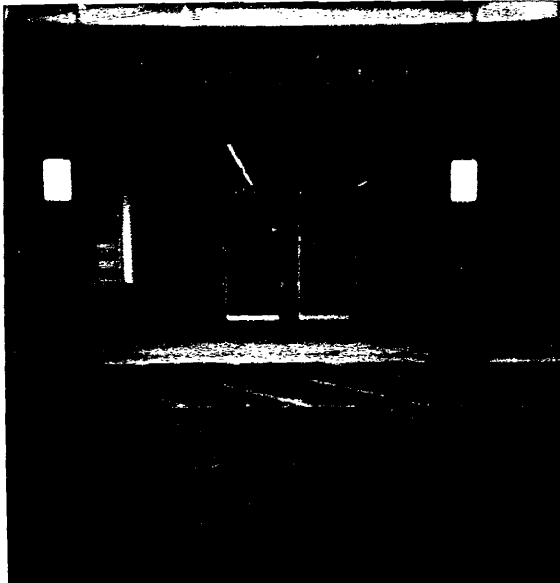
FUND	CODE	AMOUNT
ck # 2591		\$150. <sup>00</sup>

By Dorothy H. Hansen

Town Clerk

TITLE

WILLIAMSON LAW BOOK CO., VICTOR, NY 14564



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Bila Partners/Hong's Partners

FILE # 97-14.

RESIDENTIAL: \$ 50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒ Sign

USE ☐

APPLICATION FOR VARIANCE FEE . . . . . \$ 150.00 Paid  
\* \* \* \* \* ct # 4/15/97  
2591

ESCROW DEPOSIT FOR CONSULTANT FEES . . . . . \$ 500.00.  
Paid ct #  
4/15/97 2592

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE 3/24/97 - 3 page \$ 13.50  
2ND PRELIM. MEETING - PER PAGE 4/18/97 - 4 " \$ 18.00  
3RD PRELIM. MEETING - PER PAGE . . . . . \$  
PUBLIC HEARING - PER PAGE . . . . . \$  
PUBLIC HEARING (CONT'D) PER PAGE . . . . . \$  
TOTAL . . . . . \$ 31.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 3/24/97 - " \$ 35.00  
2ND PRELIM. 4/28/97 \$ 35.00  
3RD PRELIM. . . . . \$  
PUBLIC HEARING . . . . . \$  
PUBLIC HEARING . . . . . \$  
TOTAL . . . . . \$ 70.00

MISC. CHARGES:

\_\_\_\_\_  
TOTAL . . . . . \$ 101.50

LESS ESCROW DEPOSIT . . . \$ 500.00  
(ADDL. CHARGES DUE) . . . \$  
REFUND DUE TO APPLICANT . . . \$ 398.50

Refund

(ZBA DISK#7-012192.FEE)

Date 5/12, 1997

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO Hong's T.S.D., Inc. DR.

922' East Broadway  
Monticello, N.Y. 12706

Charge: 25A

[illegible]



HONG'S T.S.D., INC.  
927 EAST BROADWAY  
MONTICELLO, NY 12701

2591

50-934/219

PAY  
TO THE  
ORDER OF

DATE 4/15/97

Town of New Windsor  
One hundred Fifty and no

\$ 150.00

DOLLARS



\*Eddy/Bank  
MONTICELLO OFFICE  
15 Forestburgh Rd., Monticello, NY 12701

FOR Sign Permit - ZBA #97-14

⑈002591⑈ ⑆021909342⑆ 51 0238 3⑈

*[Signature]*



HONG'S T.S.D., INC.  
927 EAST BROADWAY  
MONTICELLO, NY 12701

2592

50-934/219

PAY  
TO THE  
ORDER OF

DATE 4/15/97

Town of New Windsor  
Five hundred only

\$ 500.00

DOLLARS



\*Eddy/Bank  
MONTICELLO OFFICE  
15 Forestburgh Rd., Monticello, NY 12701

FOR Sign escrow #ZBA 97-14.

⑈002592⑈ ⑆021909342⑆ 51 0238 3⑈

*[Signature]*

In the Matter of the Application of

**BILA PARTNERS/HONG'S KARATE**

**MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCE**

#97-14.

**WHEREAS, BILA PARTNERS**, a general partnership with a location at 374 Windsor Highway, New Windsor, N. Y. 12553 (owner), and **HONG'S TSD, INC.**, a corporation with offices located at 927 East Broadway, Monticello, New York 12701, (lessee) have made application before the Zoning Board of Appeals for a 6 ft. x 8 in. wall sign variance for property located in a shopping mall at 374 Windsor Highway, in a C zone; and

**WHEREAS**, a public hearing was held on the 28th day of April, 1997 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant, Hong, appeared before the Board on his own behalf for this Application and he presented a proxy from the owner of the property in question; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor of or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a commercial property being a store located in a shopping center in a neighborhood of commercial properties.

(b) The store is located significantly far away from the street.

(c) There are no other signs advertising the existence of this business other than the sign on the store itself.

(d) The sign which the Applicant proposes to construct while it does not conform with the existing sign portion of the Zoning Local Law, would be smaller in size than the sign which already exists on the property.

(e) The proposed sign was reviewed by the Board and appeared to be consistent with the signs already displayed in that shopping center and neighborhood.

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted due to the peculiar nature of the property.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed because of the existence of a new business in that location needs some signage to identify it to the public and allowing the proposed sign to be erected will not only be consistent with the shopping center within which it is located but will promote the interests of the Town of New Windsor by having further commercial development serving its citizens.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a



request for a 6 ft. x 8 in. facade sign to replace a sign in a shopping center located at the above-referenced property in a C zone as sought by the Applicants in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: June 23, 1997.

/s/ James Nugent  
Chairman

Date 5/9/91, 19.....

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO Frances Roth 1168 N. Drury La DR.  
 Weirburgh, NY 12550

DATE		CLAIMED	ALLOWED
4/26/97	Zoning Board Mtg	75	00
	Minutes - Misc - 2		
	Catanzaro - 11		
	Scaglione - 8		
	Santillo - 4		
	Bila - 4		
	29 pp	130	50
		205	50

BILA PARTNERS/HONG'S KARATE

MR. NUGENT: Request for 6 ft. x 8 in. facade sign replacement of Fayva sign at 374 Windsor Highway in a C zone.

Mr. In Kee Hong appeared before the board for this proposal.

MR. HONG: Good evening everybody, seems like nobody is here, we mailed out 132 and nobody complained but I took quite a bit of time to put stamps on it and tonight I'm here.

MR. NUGENT: The sign you're taking down?

MR. HONG: Yes, that old sign is 4 foot by 20 1/2 foot?

MR. NUGENT: 40?

MR. HONG: Four by 20 1/2 feet and I'm reducing the size to three foot by eighteen.

MR. NUGENT: You have got the same problem, you're way off the road as the other gentleman that was here earlier.

MR. HONG: But we're much more than a hundred feet.

MR. KRIEGER: Now the sign you propose to put up, is it illuminated interior?

MR. HONG: Yes, it's going to be neon sign.

MR. KRIEGER: Any flashing or blinking?

MR. HONG: No, steady neon sign.

MR. KRIEGER: This sign that you are taking down, do you know whether or not this was illuminated, this one?

MR. HONG: I'm not doing it so--

MR. KRIEGER: No, I mean--

MR. HONG: I'm sure they are going to remove it.

MR. KRIEGER: Had interior illumination?

MS. BARNHART: Yes.

MR. HONG: So that sign has been there about at least over nine years so I am trying to clean up.

MR. KRIEGER: Sign you propose to put up, what color will the background be?

MR. HONG: It would be red color with black aluminum and regular red neon color.

MR. KRIEGER: So it is going to be black aluminum with red neon.

MR. HONG: Letters stick out.

MR. KRIEGER: The letters will be red neon and the sign itself will be black?

MR. HONG: right.

MR. KRIEGER: Whereas this sign was black with white letters.

MR. HONG: But the neon will be red so it is going to show up as red.

MR. KANE: The sign you're putting up now that is replacing the other sign smaller than the existing sign there?

MR. HONG: That is correct.

MR. KANE: So we're coming more into code.

MR. KRIEGER: Still needs a variance because it's still in excess of code but it's closer than that one was.

MR. KANE: So we're making an improvement.

MR. REIS: Accept a motion?

MR. NUGENT: Yes, if there's no further questions.

MR. KRIEGER: This is in a shopping center, correct?

MR. HONG: That is correct.

MR. KRIEGER: There are a number of other stores all of which have signs?

MR. HONG: Yes.

MR. KRIEGER: Are the other signs smaller than the one you propose to put up?

MR. HONG: Some are smaller.

MR. KRIEGER: Some are larger?

MR. HONG: Of course, Caldor and Big V is very large.

MR. KANE: Pat, did you get any negative responses?

MS. BARNHART: I have had no response.

MR. HONG: Basically, next store they have two separate signs, one is neon and one is box sign, it's the liquor store probably that is the size that we request, 2 1/2 by 10, but they have another sign they have their own store names, I believe there's even that is even larger than your town regulation signs, even next to the store they have Hallmark but the Hallmark they have four different neon signs and my size is not as small size as the other small retail stores, I have 3,000 square foot, you know, I can divide into two stores then even I can cover up for the two signs over there.

MR. NUGENT: Any further questions?

MR. KRIEGER: Let the record reflect there is no one in the audience.

MR. NUGENT: Accept a motion.

MR. REIS: Make a motion that we grant Hong's Karate its

April 28, 1997

28

requested variances for 374 Windsor Highway.

MR. TORLEY: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. HONG: Thank you very much.

Prelim.  
March 24, 1997  
Need Proxy  
#97-14.

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: MARCH 13, 1997

APPLICANT: BILA PARTNERS  
% HONGS KARATE  
927 EAST BROADWAY  
MONTICELLO, N.Y. 12701

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR (BUILDING PERMIT): TO REPLACE SIGN

LOCATED AT: SHOP RITE PLAZA  
374 WINDSOR HIGHWAY

ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 65, BLOCK: 2, LOT: 12  
EXISTING SHOE STORE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. PROPOSED SIGN REPLACEMENT EXCEEDS MAXIMUM SIZE.

  
BUILDING INSPECTOR

\*\*\*\*\*

<u>PERMITTED</u>	<u>PROPOSED OR</u> <u>AVAILABLE</u>	<u>VARIANCE</u> <u>REQUEST</u>
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<u>ZONE C</u>	<u>USE</u> 48-18-H-B-1	
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<u>WALL SIGNS</u>	2.5FT. X 10 IN.	3FT. X 18 IN.	6FT. X 8 IN.
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APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT  
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF  
APPEALS.

CC: Z.B.A., APPLICANT, B.P. FILE

Rec 3-5-97

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing is completed and before it is covered from inside and plumbing rough-in.
5. Insulation.
6. Plumbing final and final. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Permit number must be called in with each inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

PLEASE PRINT CLEARLY

FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Big V Renter Hong's Karate

Address Windsor Hwy New Windsor NY Phone \_\_\_\_\_

Mailing Address \_\_\_\_\_

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor Mid-Hudson Neon Inc.

Address 32 WALNUT ST. New Windsor NY 12553 Phone 561-5561

State whether applicant is owner, lessee, agent, architect, engineer or builder store owner

If applicant is a corporation, signature of duly authorized officer. Arthur Miller pres MID-HUDSON NEON INC.

(Name and title of corporate officer)



FOR OFFICE USE ONLY

Building Permit # \_\_\_\_\_

1. On what street is property located? On the W side of 32  
and 400 feet from the intersection of Forge Hill Rd.  
(N,S,E or W)

2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_

3. Tax Map Description: Section \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy FAYVA SHOES b. Intended use and occupancy Hong's KARATE

5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒ SIGN

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_

Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_ Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_

If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost 2000.00 Fee \_\_\_\_\_

(To be Paid on this Application)

11. School District \_\_\_\_\_

*Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.*

1 / 19  
APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Lisi, Ernst Schmidt  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(914) 564-4618 563-4618  
(914) 563-4693 FAX

Eldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

REFER TO:

Planning Board ☐ Highway Dept ☐ Sewer ☐ Water ☐ Zoning Board of Appeals ☐

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Arthur Miller for Hong's Larrato  
(Signature of Applicant) (Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines

N

W

E

20' 6 1/2"

48" FAYVA SHOES

Remove & Replace  
with Channel Letters

18"

KARATE 36"

red plexi. face, red neon behind plastic  
Aluminum construction

mfg. by MID-HUDSON NEON INC.  
UL LISTED MANUFACTURER

32 WALNUT ST.  
NEW WINDSOR, N.Y. 12553

S

Rec 3-5-91

Removing 4' x 20' 6" SIGN

18 FT.

KARAT E

ALUMINUM

red plexiglas  
neon behind plastic

UL  
MIL  
32  
NEU





# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (914) 563-4633  
Fax: (914) 563-4693

OFFICE OF ASSESSOR FOR TOWN

132

Mr. In Kee Hong  
% Hong's Karate  
Big-V Plaza  
Route 32  
Vails Gate, N. Y. 12584

Re: Tax Map Parcel 65 - 2 - 12

Dear Mr. Hong:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$147.00, minus your deposit of \$25.00.

Please remit the balance of \$122.00 to the Town Clerk's Office.

Sincerely,

LESLIE COOK  
Sole Assessor

LC/pab

cc: Pat Barnhart, ZBA

**Kyriake, Christos, Nikolaos Mylonas**  
% New Windsor Coach Diner  
351 Route 32  
New Windsor, N. Y. 12553

**Dimitrios & Pope Mylonas**  
% New Windsor Coach Diner  
351 Route 32  
New Windsor, N. Y. 12553

**Patricia W. Prendergast**  
52 Continental Drive  
New Windsor, N. Y. 12553

**Lawrence P. DiGregorio**  
Claudette Robertson  
54 Continental Drive  
New Windsor, N. Y. 12553

**Bradford O. & Kyong S. Smith**  
56 Continental Drive  
New Windsor, N. Y. 12553

**William F. & Elizabeth A. Stafford**  
58 Continental Drive  
New Windsor, N. Y. 12553

**Richard F. & Diane M. Storey**  
5 Mark Street  
New Windsor, N. Y. 12553

**Richard M. Cohen**  
Jeryl A. Dorsey  
62 Continental Drive  
New Windsor, N. Y. 12553

**Richard J. & Jeannie M. Crook**  
64 Continental Drive  
New Windsor, N. Y. 12553

**STP/JMK Properties, Inc.**  
298 Forge Hill Road  
New Windsor, N. Y. 12553

**Carmine Andriuolo**  
363 Windsor Highway  
New Windsor, N. Y. 12553

**Estate of Harold J. Adams**  
% Carol Sue Adams  
74 Cayuga Street  
Seneca Falls, N. Y. 13148

**Vittorio & Lucy Vitolo**  
5 Vista View Terrace  
Middletown, N. Y. 10940

**O. Edward Cicchetti**  
8 Baltsas Road  
Newburgh, N. Y. 12550

**Reziero Vitolo**  
137 Mill Street  
Wallkill, N. Y. 12589

**Bank of New York-Prop. Mgmt.**  
48 Wall Street - 24th Floor  
New York, N. Y. 10286  
Attn: P. Culas

**David E. & Diana L. Kettner**  
43 Continental Drive  
New Windsor, N. Y. 12553

**Saturnino & Genovena Reyes**  
51 Continental Drive  
New Windsor, N. Y. 12553

**Benny & Roxanne D'Agostini**  
49 Continental Drive  
New Windsor, N. Y. 12553

**Stanley & Anita Saltzman**  
47 Continental Drive  
New Windsor, N. Y. 12553

**Joseph M. & Aurora M. Kraiza**  
45 Continental Drive  
New Windsor, N. Y. 12553

**Frederick J. Kass**  
367 Windsor Highway  
New Windsor, N. Y. 12553

**Walter & Amelia Kroposki**  
Quaker Hill Road  
Box 731  
Monroe, N. Y. 10950

**Blix Corporation**  
P. O. Box 1002  
Highland Mills, N. Y. 10930

**Rosenbaum Industries, Inc.**  
P. O. Box 428  
Vails Gate, N. Y. 12584

**Charles T. & Rose M. Daidone**  
250-260 Temple Hill Road  
New Windsor, N. Y. 12553

**Norstar Bank of Upstate N. Y.**  
Facilities Management  
P. O. Box 911  
Newburgh, N. Y. 12550

**Mans Brothers Realty Inc.**  
P. O. Box 247  
Vails Gate, N. Y. 12584

**Joan A. Shedden**  
Box 608A  
Vails Gate, N. Y. 12584

**John J. Aquino**  
Gregory Mellick  
135 W. Nyack Road  
Nanuet, N. Y. 10954

Vails Gate Fire Company  
P. O. Box 101  
Vails Gate, N. Y. 12584

Albany Savings Bank  
94 Broadway  
Newburgh, N. Y. 12550

Edith B. Lawton  
5129 Todd Acres Road  
Mobile, AL 36619

Thomas & Kathleen I. Manning  
2 Creek Run Road  
Newburgh, N.Y. 12550

Wayland H. & Joy C. Sheafe  
Box 21 - Route 207  
Rock Tavern, N. Y. 12575

Eugene L. & Ruth Andrews  
P. O. Box 292  
Vails Gate, N. Y. 12584

Robert & Catherine Babcock  
Box 537  
Vails Gate, N. Y. 12584

John Grana  
P. O. Box 317  
Vails Gate, N. Y. 12584

FFCA Acquisition Corp.  
17207 North Perimeter Drive  
Scottsdale, AZ 85255

Edmond M. Selby  
335 Old Forge Hill Road  
New Windsor, N.Y. 12553

Sorbello, Bouyea, King  
% Robert K. Bouyea  
505 North Riverside Road  
Highland, N. Y. 12528

Bila Family Partnership  
158 North Main Street  
Florida, N. Y. 10921

Raymond J. & Pauline A. Beck  
P. O. Box 498  
Vails Gate, N. Y. 12584

Mani M. Inaganti  
P. O. Box 787  
Vails Gate, N. Y. 12584

Antonio & Gemma Tornatore  
82 Continental Drive  
New Windsor, N. Y. 12553

Frances T. Taravella  
P. O. Box 94  
Vails Gate, N. Y. 12584

R & S Foods, Inc.  
249 North Craig Street  
Pittsburgh, PA 15213

Primavera Properties, Inc.  
P. O. Box 177  
Vails Gate, N. Y. 12584

Luis & Jeanine Rosado Maisonet  
343 Old Forge Hill Rd  
New Windsor, N. Y. 12553

Rose Estremera  
21 Vails Gate Heights Dr.  
New Windsor, N.Y. 12553

Tower Management Financing  
Partnership LP  
680 Kinderkamack Road  
River Edge, N. J. 07661

Katherine Kelly  
P. O. Box 38  
Vails Gate, N. Y. 12584

Arthur D. & Julie Stockdale  
35 Kriste Lane  
Jericho, VT 05465

Terry C. & Lorraine De Couto  
132 Old Temple Hill Road  
New Windsor, N. Y. 12553

David B. & Elizabeth A. Betrix  
P. O. Box 465  
Vails Gate, N. Y. 12584

Antonio & Giencinta Dedominicis  
P. O. Box 327  
Cornwall, N. Y. 12518

NYS Department of Transportation  
Office of State Comptroller  
A.E. Smith Office Bldg.  
Albany, N. Y. 12236

MCB Partnership  
208 Meadow Avenue  
Scranton, PA 18505

Paul M. & Irma A. Martini  
341 Old Forge Hill Road  
New Windsor, N. Y. 12553

Sonnie & Diane Warshaw  
23 Vails Gate Heights Dr.  
New Windsor, N. Y. 12553



Ronald & Marie A. Perry  
25 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Barbara Levy  
27 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Annette Ziegler  
29 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Onbank & Trust Company  
101 So. Salina Street  
Syracuse, N. Y. 13202

Steven & Ronni Warshaw  
33 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Raymond P. & Grace E. Skopin  
35 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Vincent J. & Gertrude E. Schmidt  
37 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Frederick S & Thelma Zelkind  
39 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Stephen P. & Annelie Coyle  
41 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Meredith Elaine Baker  
43 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Martin & Frances Shapiro  
45 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Leonard & Lucy Hunger  
47 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Juvencio Navedo  
49 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Frank Robinson  
51 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Carina A. Schmidt  
323 Old Forge Hill Road  
New Windsor, N. Y. 12553

John A. & Doris M. Barrett  
53 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Linda Asmann  
55 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Sally Scheiner Recovable Trust  
% Scheiner Trustee  
14488 Via Royale  
Delray Beach, FL 33446

Christopher A. Isaacs  
Sandra Jackson  
59 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

David & Edith Herring  
61 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Peter & Lucy Martini  
P. O.Box 331  
Vails Gate, N. Y. 12584

Highland Operating Ltd  
P. O.Box 479  
Washingtonville, N. Y. 10992

Barbara Reed  
65 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Christine Castro  
Steve C. Christian  
67 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

James & Janet Kilcullen  
69 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Salvatore & Concetta Petrolese  
71 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Carmine A. & Norma Luongo  
73 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Alberto P. & Mary A. Zeneri  
75 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Josika Gojka  
Adrian Bitz  
125 Lakeside Road  
Newburgh, N. Y. 12550

Thomas Lewis  
Claudia Rudin  
81 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Glen & Regina Mitchell  
P. O.Box 16  
Cornwall, N. Y. 12518

Eugene H. & Dorothy M. Reilly  
97 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Lionel, Marie & Charles Garcon  
103 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Ingrid Anderson  
109 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Alix M. & Adel Mariette  
117 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Ernest & Ruth Banks  
125 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

John T. & Marina A. Reilly  
133 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Joel & Talietha Feinberg  
P. O. Box 951  
Vails Gate, N. Y. 12584

William A. & Diana A. Morange  
149 Vails Gate Heights Drive  
New Windsor, N.Y. 12553

Joseph J. & Doreen V. Uhrec  
157 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Vincent L. & Jeanne M. Kayes  
165 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Dominick S. & Lucille Parisi  
53 Highview Avenue  
Newburgh, N.Y. 12550

Alton D. & Theresa Christianson  
327 Old Forge Hill Road  
New Windsor, N.Y. 12553

Jerline & Zelda Ware  
329 Forge Hill Road  
New Windsor, N.Y. 12553

Emil J. & Sopiell B. Mihalco  
317 Old Forge Hill Road  
New Windsor, N.Y. 12553

Windsor Properties  
% Peck & Heller, Mortgage Acct.  
2301 Lincoln Bldg., 60 E. 42nd St.  
New York, N. Y. 10165

Edwin J. & Lorayne Wolff  
80 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Robert & Harriet Klein  
82 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Hector & Carol Kercado  
84 Vails Gate Heights Drive  
New Windsor, N.Y. 12553

John R. Maresca  
86 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Mary L. Nottingham  
P. O. Box 501  
Vails Gate, N.Y. 12584

Bak Man Kim  
90 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Bernard & Beatrice Dolan  
92 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Nuncio A. & Mirian Diaz  
96 Vails Gate Heights Drive  
New Windsor, N.Y. 12553

Paulette & Mirta Obey  
102 Vails Gate Heights Drive  
New Windsor, N.Y. 12553

John J. & Fay E. Hughes  
104 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Tetsuo & Mary Ellen Nakatsu  
106 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

John Romano, Jr.  
108 Vails Gate Heights Drive  
New Windsor, N.Y. 12553

Thomas & Billie Mae Napolitano  
110 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

Leon E. Saunders  
Ann L. Barnett  
114 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

**Carlos G. & Julia N. Martinez**  
116 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

**Robert R. & Linda R. Mazureck**  
118 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

**Jeffrey P. Knight**  
**Veronica Earley**  
120 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

**John F. & Luz M. Mahoney**  
122 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

**William & Lynne McGarry**  
124 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

**Robert Sorrento**  
5 Milrose Lane  
Chestnut Ridge, N. Y. 10952

**Edward M. & Annie P. Lamb**  
130 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

**Barbara Lagese**  
21 Sunrise Court  
Middletown, N. Y. 10940

**William F. & Virginia Owens**  
136 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

**Leonard E. Benedetto**  
140 Vails Gate Heights Drive  
New Windsor, N. Y. 12553

**Adeline P. Gracey**  
11809 Oakwood Drive  
Woodbridge, VA 22192

**Robert L. & Jamene C. Kopman**  
345 Butternut Drive  
New Windsor, N. Y. 12553

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK**

**In the Matter of the Application for Variance of**

Bila Partners / En Kee Hong  
Applicant.

#92-14

**AFFIDAVIT OF  
SERVICE BY  
MAIL**

**STATE OF NEW YORK)  
) SS.:  
COUNTY OF ORANGE)**

**PATRICIA A. BARNHART, being duly sworn, deposes and says:**

**That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.**

**That on April 17, 1997, I compared the 132 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.**

Patricia A. Barnhart  
Patricia A. Barnhart

**Sworn to before me this  
17 day of April, 1997.**

Mary Ann Hotaling  
Notary Public

**MARY ANN HOTALING  
Notary Public, State of New York  
No. 01HO5062877  
Qualified in Orange County  
Commission Expires July 8, 1998**

*Pls. publish immediately. Send bill to: In Kee Hong  
c/o Hong's Karate  
(address below).*

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 14

Request of Bila Partners & Hong's Karate

for a VARIANCE of the Zoning Local Law to permit:

replacement of sign which requires 6ft. x 8in. variance

being a VARIANCE of Section 48-18 H(b)(1) of the  
Supp. Sign Regs.

for property situated as follows:

374 Windsor Highway (formerly Fayva Shoes), New  
Windsor, N.Y. 12553.

known as tax lot Section 65 Block 2 Lot 12

SAID HEARING will take place on the 28th day of April,  
1997, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P. M.

James Nugent.  
Chairman

By: Patricia A. Barnhart, Secy.

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 97-14

Date: 3/25/97

I. ✓ Applicant Information:

- (a) Bila Partners (Name, address and phone of Applicant) (Owner) X  
✓ (b) In Kee Hong 374 Windsor Highway (Name, address and phone of purchaser or lessee)  
(c) \_\_\_\_\_ (Name, address and phone of attorney)  
(d) \_\_\_\_\_ (Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☒ Sign Variance  
☐ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) C 374 Windsor Highway 65-2-12 P/O Shopping Center  
(Zone) (Address) (S B L) (Lot Size)  
(b) What other zones lie within 500 ft.? None  
(c) Is a pending sale or lease subject to ZBA approval of this application? N/A  
(d) When was property purchased by present owner? \_\_\_\_\_  
(e) Has property been subdivided previously? N/A  
(f) Has property been subject of variance previously? Yes  
If so, when? \_\_\_\_\_  
(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO  
(h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) \_\_\_\_\_

N/A  
(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application. N/A

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. N/A Area Variance:  
(a) Area variance requested ~~from New Windsor Zoning Local Law, Section 48-18, Table of~~ Supp. Sign Regs., Col. \_\_\_\_\_.  
H (1)(6) E1]

Requirements	Proposed or Available	Variance Request
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

N/A  
(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(You may attach additional paperwork if more space is needed)

✓ VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section 48-18, Table of Supp. Sign Regs., Col.       .

	<u>H (1)(b) [1]</u>	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1		<u>2.5 ft. x 10 in.</u>	<u>3 ft. x 18 in.</u>	<u>6 ft. x 8 in.</u>
Sign 2				
Sign 3				
Sign 4				

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

✓ (See attached plan.)

Can't see from the road speed at 40 mph.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?  
(No information available.)

VII. Interpretation N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section       , Table of        Regs., Col.       .

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or



upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

✓ Drop down the old sign to nice looking good "New" sign.  
will give better ~~appearance~~ appearance to shoppers.

IX. Attachments required:

- ✓ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ✓ Copy of tax map showing adjacent properties.
- ✓ Copy of contract of sale, lease or franchise agreement.
- ✓ N/A Copy of deed and title policy.
- ✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ✓ Copy(ies) of sign(s) with dimensions and location.
- ✓ Two (2) checks, one in the amount of \$150.00 and the second check in the amount of \$500.00, each payable to the TOWN OF NEW WINDSOR.
- ✓ Photographs of existing premises from several angles.

X. Affidavit.


Date: March 25, 1997.

STATE OF NEW YORK)

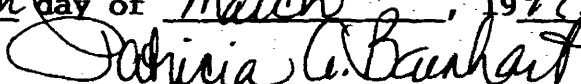
) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

  
(Applicant)

Sworn to before me this

25th day of March, 1997  


XI. ZBA Action:

PATRICIA A. BARNHART  
Notary Public, State of New York  
No. 018A4904434  
Qualified in Orange County  
Commission Expires August 31, 1997.

(a) Public Hearing date: \_\_\_\_\_

(b) Variance: Granted (\_\_\_\_) Denied (\_\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.**

**(ZBA DISK#7-080991.AP)**

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 14

Request of Bila Partners & Hong's Karate

for a VARIANCE of the Zoning Local Law to permit:

replacement of sign which requires 6ft. x 8in. variance

being a VARIANCE of Section 48-18 H(b) 1.7 of the  
Supp. Sign Regs.

for property situated as follows:

374 Windsor Highway (formerly Fayva Shores), New  
Windsor, N.Y. 12553.

known as tax lot Section 65 Block 2 Lot 12

SAID HEARING will take place on the 28th day of April,  
1992, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P. M.

James Nugent.  
Chairman

Date 5/26/91, 19.....

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO FRANCIS BORN 1168 N. Drury Lane DR.  
Newburgh Ny 12556

DATE			CLAIMED	ALLOWED
3/24/71	Zoning Board Mtg		75.00	
	Misc. 2			
	Lanthier - 6			
	Bila - 3	13.50.		
	Dietz - 3			
	UER - 3			
	<u>17 pgs</u>		<u>76.50</u>	
			151.50	

BILA PARTNERS/HONG'S KARATE

MR. NUGENT: Request for facade sign variance of 6 ft. x 8 ft. for karate studio in Shop Rite Plaza (former Fayva).

Mr. Hong appeared before the board for this proposal.

MR. HONG: Good evening everybody, I'm moving into this town to open the karate school and my simple request is to drop down the old Fayva Shoe sign which size is about 4 foot by 20 1/2 foot total of 82 square feet to drop it down to the sign which I submit three foot by 18 foot long, nice new sign total, square foot will be 52, 54 square foot wide so I am here to ask you that for a permit to change the sign so if you need pictures.

MR. KANE: We're actually making the sign smaller than what's existing right now and the other sign that is grandfathered in, is that the old sign?

MR. BABCOCK: Right, but the sign ordinance reads if you change the sign, you have to comply with the new ordinance, you know, trying to get that.

MR. KANE: If you change the sign, if you just change the paneling on the front?

MR. BABCOCK: If the existing karate shop was there with a sign that said karate and it got broke--

MR. KANE: And if he replaced it that would be acceptable?

MR. BABCOCK: Right.

MR. NUGENT: Are the other signs that are on the building they are all different, right, we never got them to all conform?

MR. BABCOCK: Slowly but surely we are as they replace them we're bringing them in to conform but I would say that the majority of them are larger than what the ordinance allows at this point.

MR. NUGENT: There's a second problem with that too, that that site is so far off the road if you don't have, I mean it allows 2 1/2 by 10, right, you wouldn't ever even see that from 32 at 40 miles an hour.

MR. BABCOCK: Right.

MR. NUGENT: That is a problem. Anybody have any other questions?

MR. REIS: This going to be a lit sign?

MR. HONG: Yes, it's going to be neon sign.

MR. TORLEY: Not flashing?

MR. HONG: No, it's not just red in color and it's going to be made by the aluminum and is plastic glass and front covers and behind the glass would be neon and the size like what I told you that it's about more than 1/3 of the space smaller than the old sign.

MR. REIS: Accept a motion Mr. Chairman?

MR. NUGENT: Yes.

MR. REIS: I move we set them up for a public hearing.

MR. TORLEY: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MS. OWEN	AYE
MR. NUGENT	AYE

MR. NUGENT: The attorney has something for you to read and Pat has something for you, step up here, we'll give you all your paperwork.

MR. KRIEGER: I'm not sure if you are aware of this but in order for the Zoning Board of Appeals to act, they

have to have a public hearing so the purpose of this is a preliminary, just to find out what your application is, you'll have to come back for a public hearing.

MR. HONG: Do I have to?

MR. KRIEGER: Yes, by law they cannot act without a public hearing. Most of them, there's not very many members of the public here but that is the law. She's going to give you an application, has information with respect to what you have to do about notice, there are notice requirements. What I am going to give you is a sheet of the criteria that I want to you address yourself to when you come back. These are the things that the board must consider by law. Also you're renting this space right?

MR. HONG: That is correct.

MS. BARNHART: I'm going to give him a proxy statement.

MR. KRIEGER: You're going to have to get a proxy statement from the owner giving you permission to come in and do that.

MR. HONG: Thank you.